

202 Rec'd PCT/PTO 29 AUG 2003

PCT #



PATENT
ATTORNEY DOCKET NO.: 056646-5004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
BEHAN ET AL)	
)	
Application No.: 10/088,601)	Group Art Unit: (Unassigned)
)	
Filed: March 21, 2002)	Examiner: (Unassigned)
)	
For: DISPENSING DEVICES)	

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

TRANSMITTAL FORM

1. Transmitted herewith is a Renewed Petition under 37 C.F.R. 1.42 in response to the decision dated May 2, 2003.
2. Additional papers enclosed:

Supplemental Declaration of Susan Hart

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

- ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input checked="" type="checkbox"/> two months	\$ 410.00	\$ 205.00
<input type="checkbox"/> three months	\$ 930.00	\$ 465.00
<input type="checkbox"/> four months	\$ 1,450.00	\$ 725.00

Extension of time fee due with this request: \$ 410.00

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

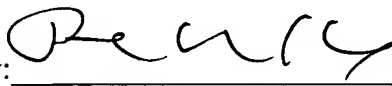
CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	Large Entity at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	44	minus	32	12	x \$18 each=	+ \$216
Independent Claims (37 C.F.R. §1.16(b))	1	minus	3	0	x \$84 each=	+ \$
[X] First presentation of Multiple dependent claim(s)					\$280.00	+ \$280
TOTAL =						\$496

6. Fee Payment

- ☐ No fee is to be paid at this time.
- ☐ Check in the amount of \$_____ for _____. The Commissioner is hereby authorized to charge any additional extension of time fee or additional fee for claims due to Deposit Account No. 50-0310.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By: 
Paul N. Kokulis
Reg. No. 16,773

Dated: August 29, 2003

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

BEHAN ET AL

Serial No.: 10/088,601

Group Art Unit: (Unassigned)

Filed: March 21, 2002

Examiner: (Unassigned)

Title: DISPENSING DEVICES

RENEWED PETITION UNDER 37 C.F.R. 1.42

Commissioner of Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

The applicants hereby renew their petition for acceptance of the above application on the basis of declaration signed by Susan Hart as Executor for the deceased joint inventor Gerry Hart.

In a decision dated May 2, 2003, the applicants' initial submission under 37 C.F.R. 1.42 was refused without prejudice on the ground that the declaration submitted with other application papers was not in compliance with 37 C.F.R. 1.497(a)-(b) in that it was unclear whether the declaration set forth the residence, post office address and country of citizenship of Gerry Hart or the Executor. The decision stated that information had to be provided for both the deceased inventor, Gerry Hart, and the Executor, Susan Hart.

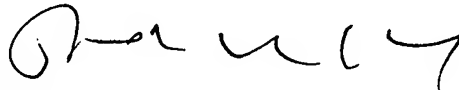
In response, the applicants submit herewith the Supplemental Declaration of Susan Hart which confirms that the residence, post office address and citizenship as stated in the earlier declaration apply to both Susan Hart and the deceased Gerry Hart.

It is believed that, in view of the attached Supplemental Declaration, the applicants have complied with all requirements. Accordingly, favorable reconsideration with acceptance of the application for examination is requested.

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A two-month extension of time is required for this response. It is requested that the fee for such extension be charged to Deposit Account 50-0310 (Order No. 056646-5004). Additionally, if any other fee is required, please also charge the indicated account.

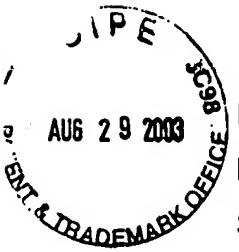
Respectfully submitted,
MORGAN LEWIS & BOCKIUS LLP

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Date: August 29, 2003

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application of

BEHAN ET AL

Serial No.: 10/088,601

Group Art Unit:

(Unknown)

Filed: March 21, 2002

Examiner: (Unknown)

Title: DISPENSING DEVICES

SUPPLEMENTAL DECLARATION OF SUSAN HART

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

I, Susan Hart, declare as follows:

1. I am the Susan Hart who, on May 22, 2002, signed the patent application declaration filed in connection with U.S. patent application Serial No. 10/088,601 as Executor for my deceased husband, Gerry Hart.

2. The residence (Great Britain) and country of citizenship (Great Britain) given in the declaration referred to in ¶ (1) apply to both my deceased husband and to me. The Post Office address was my address as of the date I signed said declaration and was also the last known address for my deceased husband.

3. I hereby confirm all of the statements which I made in said declaration as Executor for my deceased husband Gerry Hart.

4. The undersigned declares that all statements made herein of my personal knowledge are true and that all statements made on information and belief are believed true; and further that these statements were made with the knowledge that any willful false statements are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code

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and that willful false statements may jeopardize the validity of said application or patent issuing thereon.

Susan Hart
Susan Hart

2nd August 2003
Date